IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

**NOTICE OF MOTION NO. 510 OF 2005**
IN
WRIT PETITION NO. 1984 OF 2003

HEMANT MADHUKAR GOSAVI & ORS. ... PETITIONERS.
VS.
M/S. CENTURY TEXTILES & INDUSTRIES
LTD.& ORS. ... RESPONDENTS.

MR. I.A.ENGINEER FOR THE PETITIONERS.

**Coram : S.K.Shah, J.**
**Date : September 27, 2005.**

P.C.:

1. This motion is taken out for restoration of the Writ Petition, which was dismissed for default. The Writ Petition came to be dismissed for default on 23rd August, 2005. The Petition was already dismissed on 9th August, 2005, as against the Respondent Nos. 2 to 6. The matter was called out on 23rd August, 2005, as against Respondent No.1. None for the Petitioner was present. Therefore, the matter came to be dismissed for default.

2. The motion mentions that on 23rd August, 2005, the Petitioner's Advocate could not appear as he was suffering from Malaria. The petitioner also filed medical certificate to that effect with regard to illness of his advocate.

3. Having considered this, I allow the notice of motion and make it absolute, in terms of prayer clause (a). It is, however, clarified that the Petition stands restored now only as against the Petitioner No.1.

4. The Writ Petition be restored to file and be placed on board.

5. Office to proceed.

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**[S.K.Shah , J.]**